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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11 MIGUEL ESPARZA, individually and on behalf
of all others similarly situated,

12 Plaintiff,

13 v.
14

15 LENOX CORPORATION, a Delaware
corporation d/b/a LENOX.COM; and DOES 1
through 25, inclusive,

16 Defendants.
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Case No. 3:22-cv-09004-WHA

**DECLARATION OF SCOTT J. FERRELL IN
RESPONSE TO ORDER RE NOTICE OF
VOLUNTARY DISMISSAL [DKT. 42]**

DECLARATION OF SCOTT J. FERRELL

I, Scott J. Ferrell, hereby declare as follows:

1. I am an attorney licensed to practice law in the State of California, as well as in all of the federal judicial districts therein. I am the founding partner of Pacific Trial Attorneys, P.C., counsel for plaintiff Miguel Esparza ("Plaintiff"). If called upon as a witness, I could and would competently testify to the facts set forth below, as I know each to be true based on my own personal knowledge or based upon my review of the files and records maintained by Pacific Trial Attorneys, P.C. in the regular course of business.

2. On May 24, 2023, the Court Ordered that "plaintiff's counsel is hereby ORDERED to post notice of the dismissal in the same manner, for the same length of time, and by the same means counsel used to publicize the pendency of the case, so as to alert putative class members to bring their own suits under American Pipe. Plaintiff's counsel SHALL FILE a declaration explaining what notice, if any, shall be given pursuant to the foregoing."

3. I have conducted a thorough search of my firm's records and have confirmed that my firm did not take any actions to publicize the pendency of this lawsuit.

4. Based upon the preceding, it is my understanding that no *American Pipe* notice is required to be given in order to comply with the Court's May 24, 2023 Order.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. This declaration was executed on June 2, 2023.

/s/ Scott J. Ferrell
Scott J. Ferrell

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2023, I electronically filed the foregoing **DECLARATION OF SCOTT J. FERRELL IN RESPONSE TO ORDER RE NOTICE OF VOLUNTARY DISMISSAL [DKT. 42]** with the Clerk of the Court using the CM/ECF system which will send notification of such filing via electronic mail to all counsel of record.

/s/Scott J. Ferrell

Scott J. Ferrell